

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

|  |   |                                 |
|--|---|---------------------------------|
| X  |   | X                               |
| MACKENZIE ARCHITECTS, P.C.   |   |                                 |
| Plaintiff,   |   |                                 |
| v.   |   |                                 |
| VLG REAL ESTATE DEVELOPERS,<br>LLC; VICTOR GUSH; FGR<br>ASSOCIATES, LLC;<br>CAPTAINS LOOKOUT<br>DEVELOPMENT, LLC; DESIGN LOGIC<br>ARCHITECTS, PC;<br>CLARK REALTY, LCC; PAUL CLARK;<br>FRANK TATE; and ROBERT BUCHER | : | Civil Action No.                |
|  | : | 1:15-CV-1105 (TJM) (DJS)        |
|  | : | Stipulation as to Stay of       |
|  | : | Discovery Pending the Court's   |
|  | : | Decision on Dispositive Motions |
| X  |   | X                               |

IT IS HEREBY stipulated and agreed to by the undersigned that:

- 1) All parties have filed dispositive motions that have been fully briefed and are currently pending before the Court for decision, identified on the case docket as Dkt. 43, Dkt. 46, Dkt. 49, and Dkt. 59 (collectively the "Dispositive Motions").
- 2) For the reasons set forth in the Status Report and Letter Motion filed together with this stipulation, all parties jointly request a stay of discovery until the Court renders its decision(s) on all Dispositive Motions. Within fourteen (14) days following the last decision on the Dispositive Motions, the parties will jointly contact the court to request that the remaining case deadlines be reset, including for discovery, expert disclosures, rebuttals, and trial deadlines.
- 3) For the reasons set forth in the Status Report and Letter Motion filed together with this stipulation, all parties jointly request that the deadline for mediation be reset to 60 days following the last decision by the Court on the Dispositive Motions.

- 4) Nothing in this stipulation shall relieve any party from its obligation to make and supplement, if necessary, Initial Disclosures pursuant to F.R.C.P. 26(a)(1).
- 5) All parties jointly request the Court so order this stipulation.

IT IS on this 23<sup>rd</sup> day of May, 2016, SO ORDERED.

  
Hon. Mag. Judge Daniel J. Stewart

Dated: May 20, 2016

**TABNER, RYAN & KENIRY, LLP**  
Attorneys for Defendants  
VLG Real Estate Developers, LLC  
and Victor Gush

**TOR EKELAND, PC**  
Attorneys for Plaintiff Mackenzie  
Architects, PC

By: /s/Thomas R. Fallati  
Thomas R. Fallati  
18 Corporate Woods Blvd.  
Albany, New York 12211  
Telephone: (518) 512-5307  
Fax: (518) 465-5112  
[trf@trklaw.com](mailto:trf@trklaw.com)

  
By: Mark Jaffe  
Mark Jaffe  
195 Plymouth Street,  
Fifth Floor  
Brooklyn, New York  
Telephone: (718) 730-3306  
[mark@torekeland.com](mailto:mark@torekeland.com)

**HESLIN ROTHENBERG FARLEY  
MESITI P.C.**

Attorneys for Defendants  
Frank Tate; Paul Clark;  
Captains Lookout Development, LLC;  
Clark Realty, LLC; and FGR Associates, LLC

**WHITEMAN, OSTERMAN &  
HANNA, LLP**  
Attorneys for Defendants  
Design Logic Architects and  
Robert Bucher

By: /s/Annette Kahler  
Annette Kahler  
5 Columbia Circle  
Albany, New York 12203  
Telephone: (518) 452-5600  
Fax: (518) 452-5579  
[aik@hrfmlaw.com](mailto:aik@hrfmlaw.com)

By: /s/Jason L. Shaw  
Jason L. Shaw  
One Commerce Plaza  
Albany, NY 12260  
Telephone: (518) 487-7796  
Fax: (518) 487-7777  
[jshaw@woh.com](mailto:jshaw@woh.com)